

ORIGINAL

FILED 08 SEP 30 14:48 USC-ORP

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Plaintiff,

v.

WILCOX FARMS, INC. and WILCOX
DAIRY FARMS, LLC,

Defendants.

CIVIL ACTION NO.

CV '08 - 1141 MO
COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and retaliation, and to provide appropriate relief to Diana Dominguez ("Ms. Dominguez"), who was adversely affected by such practices. The Equal Employment Opportunity Commission alleges that Wilcox Farms, Inc. and Wilcox Dairy Farms, LLC (collectively, "Wilcox" or "defendants") subjected Ms. Dominguez to a hostile work environment because of sex and then retaliated against her for her complaints about the sexual harassment, leading to her constructive discharge.

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EQUAL EMPLOYMENT
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1 Plaintiff seeks monetary and injunctive relief for Ms. Dominguez, including pecuniary and
 2 nonpecuniary compensatory damages and punitive damages.

3 JURISDICTION AND VENUE

4 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337,
 5 1343 and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of
 6 Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. sections 2000e-5(f)(1) and (3)
 7 ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

8 2. The employment practices alleged to be unlawful were committed within the
 9 jurisdiction of the United States District Court for the District of Oregon.
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11 PARTIES

12 3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is
 13 the agency of the United States of America charged with the administration, interpretation and
 14 enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) of
 15 Title VII, 42 U.S.C. §2000e-5(f)(1).
 16

17 4. At all relevant times, defendants Wilcox Farms, Inc. and Wilcox Dairy Farms,
 18 LLC have been corporations continuously doing business in the state of Oregon and have
 19 continuously had at least 15 employees.

20 5. At all relevant times, defendants have continuously been employers engaged in an
 21 industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42
 22 U.S.C. §§2000e-(b), (g) and (h).
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STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Ms. Dominguez filed a charge with the Commission alleging violations of Title VII by defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From at least December 1, 2006, Wilcox engaged in unlawful employment practices at its Aurora, Oregon facility in violation of §§ 703(a) and 704(a) of Title VII, 42 U.S.C. §§ 2000e-2(a) and -3(a). Defendant engaged in these unlawful practices through the following actions: (1) subjecting Ms. Dominguez to a hostile work environment because of her sex, female; and (2) retaliating against Ms. Dominguez for her complaints about sexual harassment by requiring her to work with the supervisor who harassed her, isolating her from coworkers, and pressuring her to resign; and (3) constructively discharging her.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Ms. Dominguez of equal employment opportunities and otherwise adversely affect her status as an employee of Wilcox because of her sex and in retaliation for engaging in statutorily protected activity.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Ms. Dominguez.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

1 A. Grant a permanent injunction enjoining defendants, their officers, successors,
2 agents, assigns, and all persons in active concert or participation with them, from engaging in
3 any employment practices which discriminate on the basis of sex or retaliate against any
4 individual for engaging in protected EEO activity.

5 B. Order defendants to institute and carry out policies, practices, and programs
6 which provide equal employment opportunities for all employees, and which eradicate the
7 effects of its past and present unlawful employment practices.

8 C. Order defendants to make whole Ms. Dominguez by providing appropriate back
9 pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief
10 necessary to eradicate the effects of their unlawful employment practice.

11 D. Order defendants to make whole Ms. Dominguez by providing compensation for
12 past and future pecuniary losses resulting from the unlawful employment practices described in
13 paragraph 7 above, including past and future out-of-pocket expenses, in amounts to be
14 determined at trial.

15 E. Order defendants to make whole Ms. Dominguez by providing compensation for
16 past and future nonpecuniary losses resulting from the unlawful practices complained of in para-
17 graph 7 above, including without limitation emotional pain, suffering, and loss of enjoyment of
18 life, in amounts to be determined at trial.

19 F. Order defendants to pay Ms. Dominguez punitive damages for its malicious and
20 reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

21 G. Grant such further relief as the Court deems necessary and proper in the public
22 interest.
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1 H. Award the Commission its costs of this action.

2 JURY TRIAL DEMAND

3 The Commission requests a jury trial on all questions of fact raised by its complaint.

4 DATED this 29th day of September, 2008.

5
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